

## Appendix E: TSCA Framework for Regulating PCBs

<b>Allowable USES / ACTIVITIES</b> <i>Criteria:</i> all PCB uses or activities are banned unless they fit into one of these categories	<b>DISPOSAL / STORAGE</b> <i>Criteria:</i> date, pollutant form, concentration	<b>PCB Remediation</b> <i>Criteria:</i> location of spill, quantity, concentration released, date	<b>RECORDKEEPING</b> <i>Criteria:</i> what you use, store, or dispose.
<p><b>"Totally enclosed"</b>  <i>"ensures that exposure of human beings or the environment to PCBs as a result of the activity will be insignificant" (TSCA §6(e))</i></p> <p><b>Authorized uses</b> (non-enclosed)  · uses listed in 40CFR 761.30 -- do not present "unreasonable risk"</p> <p><b>Exemptions</b> (via petition)  · companies must petition for specific use/activity  · granted up to one year; may be renewed</p> <p><b>No authorization or exemption required for:</b>  <b>Inadvertent generation</b>  · by-product of excluded manufacturing process (5 parts to definition)</p> <p><b>Excluded products</b> (&lt;50ppm in historic uses and use oils)</p> <p><b>Recycled PCBs</b> (PCBs in processing of paper products or asphalt roofing materials)</p> <p><b>Applying sewage sludge &lt;50ppm PCBs</b></p>	<p><b>Past disposal (prior to 1978)</b>  · presumed not to present a risk unless EPA makes a finding</p> <p><b>Pollutant form &amp; concentration determines type of disposal permitted</b>  · incineration, chemical waste landfill, or alternative (separate conditions for each)  · decontamination  · hazardous waste landfills  · state approved landfills  · commercial storage and disposal facilities must be approved</p> <p><b>"In storage for disposal"</b>  · store for up to one year before disposal  · PCB mixtures &gt;50ppm  · marking, recordkeeping, inspection requirements  · requirements for storage facilities</p>	<p>Spills &gt; 50ppm</p> <p><b>Self-implementing cleanup:</b>  · Certain limits to applicability, e.g., not applicable for spills into surface waters or grazing lands and other sensitive areas)  · Numerical cleanup standards dependant on exposure  · Disposal requirements based on existing concentration  · Notification requirement</p> <p><b>Risk based approvals:</b>  · Can be used to cleanup &amp; dispose of PCBs from any spill  · Cleanup &amp; disposal standards based on demonstration of no unreasonable risk.</p> <p><b>Spill Cleanup Policy:</b>  · Spills &lt;72 hours old  · Certain limits to applicability, e.g., not applicable for spills into surface water, grazing lands, and other sensitive areas.  · Numerical cleanup standards dependant on spill area classification</p> <p><b>Regional discretion to require more stringent cleanup standards</b></p> <p><b>Disposal requirements for spill cleanup debris &amp; materials</b></p> <p><b>Reporting requirements</b></p>	<p><b>Annual Recordkeeping Requirements</b>  for the facilities that use or store::</p> <p>· &gt;45kg PCBs in PCB containers</p> <p>· One or more PCB transformers</p> <p>· 50 or more PCB large high or low voltage capacitors</p> <p><b>Reporting and recordkeeping requirements for commercial storage and disposal facilities :</b></p> <p><b>Annual records/reports</b>  · Disposal companies, transporters, commercial storers, and generators of PCB waste  · waste in/waste out must be tracked</p> <p><b>Notification and Manifesting Rule</b>  · tracking system for PCB wastes (since 1990)</p> <p><b>Enforcement</b>  · Violations can be \$25,000/violation</p>